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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,697	06/22/2006	Abdalla Magd Ahmed Kotb	207,650	7992

7590 12/15/2009
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New York, NY 10017-5621

EXAMINER

PAK, JOHN D

ART UNIT	PAPER NUMBER
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1616

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12/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10584697	6/22/06	MAGD AHMED KOTB, ABDALLA	207,650

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EXAMINER

John Pak

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1616	20091210
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Commissioner for Patents

The amendment filed on 9/8/2009 canceling all claims drawn to the originally presented invention and presenting only claims drawn to new distinct inventions is NON-RESPONSIVE (MPEP § 821.03). The remaining claims are not readable on the originally presented and examined invention because of the following reasons.

Original claim 6, the only substantive original claim, was directed to **"the right for manufacturing, processing sulfur ... combined and/ or formulated with R as a medical product in all forms as medicine, medical foods, artificial milks and all medicaments. R is all compounds able to form final formulation releasing elemental sulfur (subject invention)."**

Despite the lack of clarity problem with original claim 6, it can be seen that new claims 12-21 are directed to distinct inventions. Original claim 6 could not be fully understood but it was searched and examined as an invention directed to the **processing of sulfur** to produce a composition (see page 4 of the Office action of 5/8/2009, first paragraph). Since claim 6 cannot simultaneously be directed to both process and composition inventions, the search and examination as a process invention established the process invention as the originally presented and examined invention. The **composition** of new claims 12-16 is an invention that is distinct from such process invention. The process invention of original claim 6 and the composition invention of new claims 12-16 are divergent in scope and thus unrelated in that the composition is not the same as the product made by the process of original claim 6. The R in original claim 6 was combined or formulated with elemental sulfur or sulfur in the form of acid salts. In the new claims, "salts of sulfur" are included, but this category of substances was never mentioned in original claim 6. Note, a salt of sulfur is not the same thing as an acid salt of sulfur. Also in new claims, "acids" can be added, but it is not specified that such acids are acid addition salts and the acid must be able to release elemental sulfur (see the last two lines of original claim 6). Note, "acids" without further limitation was not recited in original claim 6 because the R definitions were all further limited by the last two lines of original claim 6. Thus, the new claims could read on for example, a composition for administration to a human subject suffering from a disorder in glutathione conjugation that contains elemental sulfur, salts of sulfur, and acetic acid, which composition could not be made by the processing of original claim 6.

Regarding new claims 17-21, they are distinct over the originally presented and examined original claim 6 process invention because, not only are they unrelated due to divergent scope as explained above, but the mere processing of original claim 6 has little connection to actually treating glutathione conjugation disorders in a human subject caused by the accumulation of toxins in the liver as in new claims 17-21.

Examination of unrelated and divergent scope inventions of new claims 12-16 and/or new claims 17-21 would place an undue burden because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or

employing different search queries);

(d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is **(571)272-0620**. The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Johann Richter, can be reached on **(571)272-0646**. The fax phone number for the organization where this application or proceeding is assigned is **(571)273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John Pak/
Primary Examiner, Art Unit 1616